

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. CV 23-1977-MWF(MAAx) Date: March 20, 2023

Title Hee Soon Park v. Stephen Fischer Kiernan, et al.

Present: The Honorable: MICHAEL W. FITZGERALD, United States District Judge

Rita Sanchez
Deputy Clerk

Not Reported
Court Reporter / Recorder

Attorneys Present for Plaintiffs:
Not Present

Attorneys Present for Defendants:
Not Present

**Proceedings: (IN CHAMBERS) ORDER RE PROSECUTION OF CERTAIN CASES
UNDER THE AMERICANS WITH DISABILITIES ACT**

The Court has presided over hundreds of cases under the Americans With Disabilities Act involving physical barriers in places of public accommodation. Most of these cases are brought by a small number of repeat plaintiffs and an even smaller number of law firms. Particularly with respect to the cases filed by attorneys Jason J. Kim and Jason T. Yoon of the So. Cal. Equal Access Group (collectively the “So. Cal. Firm”), the Court finds:

1. The So. Cal. Firm rarely prosecutes its cases until the Court sends an Order to Show Cause (“OSC”), including OSCs for failure to serve, for failure to seek entry of default, and to move for default. The So. Cal. Firm appears to rely on the Court to serve as its tickler and calendaring system.
2. Given the volume of cases, tracking the lack of prosecution and sending repeated OSCs has placed a significant burden on the limited resources of the Court.

Therefore, the Court finds that there is good cause to institute a limited scheduling order concerning basic case prosecution for cases filed by the So. Cal. Firm. In such cases:

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1. Proofs of Service: Proofs of Service for all Defendants must be filed within **90 days of the filing of the case** pursuant to Federal Rule of Civil Procedure 4(m), absent a *previously approved* extension of time by the Court or a motion or responsive pleading by all Defendants. The Proofs of Service must include service of the Notice to Parties: ADA Disability Access Litigation.
2. Request for Entry of Default: For any Defendant who fails to respond to the Complaint or file an Application for Stay and Early Mediation within the time provided by the Federal Rules of Civil Procedure and for whom no extension has been granted, a Request for Entry of Default must be filed no later than **seven calendar days after the date the response to Complaint or Application for Stay and Early Mediation would have been due.**

This Order serves as the Court's notice to Plaintiff that it will dismiss this action without prejudice on its own motion and without further notice to Plaintiff for failure to comply with this Order. The Court finds these sanctions sufficient and necessary to deter violations of the timely prosecution of these cases without unnecessary intervention by the Court.

IT IS SO ORDERED.

Initials of Preparer: RS/sjm